

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	CAUSE NO. DC-06-718
	)	
-vs-	)	
	)	ORDER TO CONTINUE
	)	SENTENCE REVIEW HEARING
ADAM JOSEPH HEITKEMPER,	)	
	)	
Defendant.	)	

On October 6, 2016, the Defendant's sentence was revoked and he was resentenced as follows: for Count I: Sexual Assault, a felony, in violation of §45-5-502, MCA, the Defendant was sentenced to five (5) years to the Montana State Prison to run concurrently with the sentence imposed in DC 06-677; for Count II: Indecent Exposure 1<sup>st</sup> Offense, a misdemeanor, in violation of §45-5-504, MCA, the Defendant was sentenced to five (5) years to the Montana State Prison. All previous Orders, conditions, and reasons of the Court entered on January 26, 2009, were re-imposed. The Court found that the Defendant was not entitled to elapsed time while not incarcerated. Defendant was granted time served from September 2, 2016 through October 6, 2016.

On February 2, 2017, the Defendant's Application for review of that sentence was scheduled to be heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

During the hearing, Judge Newman questioned the legality of the sentence at issue. Specifically, the revocation Judgment purports to impose a 5-year Montana State Prison sentence on Count II, which involved a misdemeanor offense. Defense Counsel requested that the

Defendant's sentence review hearing be continued to the May hearings in order to pursue a modification of sentence in District Court.

It is the unanimous decision of the Sentence Review Division that the application for review of sentence is **CONTINUED** to the next available hearings in May 2017. Notification will be sent to interested parties four weeks prior providing the actual time and date of the hearing.

Done in open Court this 2<sup>nd</sup> day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



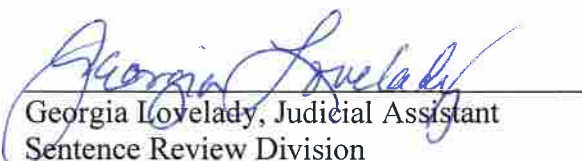
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day  
of March, 2017, to:

Clerk of District Court (Original)  
Adam Joseph Heitkemper #3001627, Defendant (2)  
Hon. Mary Jane Knisely  
Peter Ohman, Defense Counsel  
Ingrid Rosenquist, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division